

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NEW YORK**

SUNOCO, LLC,

No.:

Plaintiff,

v.

AMERICAN PETROLEUM & TRANSPORT,  
INC.,

Defendant.

**PLAINTIFF'S CIVIL ACTION COMPLAINT**

Plaintiff, Sunoco, LLC, by and through its attorneys, files a Complaint against Defendant, American Petroleum & Transport, Inc., and in support thereof avers the following:

**PARTIES**

1. Plaintiff, Sunoco, LLC (“Sunoco”), is a Delaware limited liability company with a principal place of business located at 8111 Westchester Drive, Suite 400, Dallas, Texas 75225. Sunoco, LLC is registered to do business as Sunoco Wholesale LLC in the State of New York.

2. Defendant, American Petroleum & Transport, Inc. (“American Petroleum”), is a New York corporation with a principal place of business located at 1 Serviceberry Court, Miller Place, New York 11764.

**JURISDICTION AND VENUE**

3. This Court has subject matter jurisdiction over the claims in this Complaint pursuant to 28 U.S.C. § 1333 because this is a “civil case of admiralty.”

4. Venue is proper under 28 U.S.C. § 1391(b)(1) because American Petroleum resides in this district.

**FACTUAL ALLEGATIONS**

5. Sunoco is, and was at all times relevant hereto, the owner of a dock located at the Rensselaer, NY Terminal, 100 American Oil Road, Rensselaer, New York 12144.

6. Sunoco's dock is located on the Hudson River.

7. On April 11, 2022 at approximately 9:45 AM, American Petroleum was operating a tug and barge on the Hudson River in the vicinity of Sunoco's aforesaid dock.

8. During the course of operating its tug and barge, American Petroleum lost control of the tug and barge, thereby causing its barge to strike Sunoco's dock.

9. The barge strike caused significant damage to Sunoco's dock.

10. The United States Coast Guard investigated the incident and determined the cause of the barge strike to be American Petroleum's "1) Failure to Properly Maneuver the Vessel. 2) Breakdown in Sea Detail Communication. 3) Inability [ ] to Ensure Crew Familiarization with Safety Management System."

11. As a result of the barge strike, Sunoco incurred damages in an amount no less than \$709,509.80.

**COUNT I**  
**NEGLIGENCE**

12. Sunoco repeats and realleges the above allegations as if set forth herein.

13. American Petroleum had a duty to operate its tug and barge safely and not to cause them to come into contact with Sunoco's dock.

14. American Petroleum breached that duty by, among other things:

a. Striking Sunoco's dock with its barge;

- b. Failing to control its tug and barge;
- c. Failing to properly and safely operate its tug and barge;
- d. Failing to properly maneuver its tug and barge;
- e. Failing to engage in proper sea detail communication;
- f. Failing to ensure crew familiarization with safety management system;
- g. Failing to properly inspect its tug and barge to ensure that they were safe for operation; and
- h. Failing to properly maintain its tug and barge to ensure that they were safe for operation.

15. As a direct and proximate result of American Petroleum's negligence, American Petroleum's barge struck Sunoco's dock, thereby causing Sunoco to incur damages in an amount no less than \$709,509.80.

**WHEREFORE**, Plaintiff, Sunoco, LLC, demands judgment in its favor and against Defendant, American Petroleum & Transport, Inc., for compensatory damages in an amount no less than \$709,509.80, together with interest, costs and all further relief that the Court determines to be appropriate.

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Dated: March 5, 2024

By: /s/ Virginia T Shea  
Virginia T. Shea, Esq.